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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,778	07/20/2005	Yukinori Midorikawa	275221US3PCT	8865
20736 7590 11/16/2007 MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			EXAMINER WEBB, TIFFANY LOUISE	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,778

Applicant(s)

MIDORIKAWA, YUKINORI

Examiner

Tiffany L. Webb

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the abstract contains reference characters within the text. Correction is required. See MPEP § 608.01(b).
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 1, lines 3-4, are unclear where the claim says "given to the seat belt." The language is unclear to how the tension is "given" to the seat belt. The examiner suggests clarifying.
 - Claim 1, lines 7-8, are unclear where the claim again says "tension given by the tension varying means." The language is not clear to how tension is "given," and the examiner suggests clarifying.

- Claim 2, line 2, is unclear due to improper language of "is of three-point support type." The examiner suggests clarifying.
- Claim 2, lines 3 and 5, and claim 3, lines 3 and 5, the language is unclear for "at an electromotive retractor" and "at a lap anchor part." The examiner believes in each that "at" should be "by."
- In claim 2, line 5 and in claim 3, lines 5-6, "midportion thereof being supported at a buckle stay part." It is unclear from the claim or the specification how the midportion can be constantly supported BY a buckle stay part if the seatbelt is meant to be able to be unfastened. The examiner suggests clarifying language.
- In claim 3, line 2, "is of three-point support type" is improper language. The examiner suggests changing.
- Claim 3, lines 7-14, are unclear. The section of the claim includes various versions and seems to contradict the opening phrase. It claims the tension varying means at the retractor and detecting means at the buckle stay part, then further claims the tension varying means at the buckle stay part and the tension detecting means at the lap anchor part. The use of "such that the" in line 11 makes the claim indefinite. The examiner believes this section was meant as an "option"/"choice" section of the claim, but the claim was not written clearly in such a manner. For the sake of prosecution, the examiner has examined only the first positive limitation of the varying means at the retractor and the detecting means at the buckle.

- In claim 3, line 18, "allowed" is unclear language. Examiner suggests better clarifying what is meant by the means being "allowed" to do such an action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 rejected under 35 U.S.C. 103(a) as being obvious over Maekawa et al. (US 5,765,774) in view of Midorikawa (JP 11-170966).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in

accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2). Maekawa et al. discloses having a seat belt device comprising: a seat belt (9) for constraining an occupant to a seat; a tension varying means (10, 60) allowing a tension given to the seat belt to vary; a tension detecting means (63, 68) for detecting a tension of the seat belt. Maekawa et al. fails to disclose having a failure detecting means for comparing tensions. However, Midorikawa discloses having a tension sensing system to troubleshoot the difference between a driving means tension and the actual tension, as claimed in the current application (see paragraphs [0003]-[0007]). It would have been obvious to one having ordinary skill in the art at the time of the invention to put the failure detecting means of Midorikawa on the retraction tension varying means of Maekawa et al. because Midorikawa teaches that this system is to solve the problem of accuracy between electric retractors and the periphery.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa et al. in view of Midorikawa as applied to claim 1 above, and further in view of Ono (JP 2002-114130). Maekawa et al. and Midorikawa are discussed above and fail to disclose having a three-point support system with further details to the arrangement of the seat belt. Maekawa et al. further discloses the tension varying means being provided at the electromotive retractor. Maekawa et al. also discloses having a buckle sensor (68, Figure 4B) that detects the attachment of the seatbelt and allows the webbing to have

tension applied thereto. Ono discloses the seat belt is of three-point support type (see Figure 8), one end thereof being supported at an electromotive retractor (100) in such a manner as to be freely wound, the other end thereof being supported at a lap anchor part (10, 20, see Figure 1), and the midportion thereof being supported at a buckle stay part (93), and the tension detecting means is provided at the lap anchor part (30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a three-point seatbelt of Ono with the retractor/failure/tension system disclosed in combination of Maekawa et al. in view of Midorikawa because it would have helped to solve the problem as discussed in Midorikawa.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are tension seat belts: Vollimer (US 6,447,011), Fujii et al. (US 6,691,944), and Stanley et al. (US 6,829,952).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tiffany L Webb
Examiner
Art Unit 3616

tlw

RUTH ILAN
PRIMARY EXAMINER


11/13/07